



U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

*JFW*

**SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT**

Docket Number:  
1662/604078

Application Number  
10/635,337

Filing Date  
August 6, 2003

Examiner  
To Be Assigned

Art Unit  
1614

Invention Title  
**NOVEL CRYSTALLINE FORMS  
OF GATIFLOXACIN**

Inventors  
**NIDDAM-HILDESHEIM et al.**

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited  
with the United States Postal Service with sufficient postage  
as first class mail in an envelope addressed to: Commissioner  
for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: 9-7-04

Signature: Benedetto DiStasio

1. In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and in conformance with the procedures of 35 U.S.C. §§ 1.97 and 1.98 and M.P.E.P. § 609, attorneys for Applicants hereby bring the following references to the attention of the Examiner. These references are listed on the attached modified PTO Form No. 1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b).
2. A copy of each patent, publication or other information listed on the modified PTO Form No. 1449 is enclosed, unless otherwise indicated.
3. It is believed that no fees are due in connection with this Information Disclosure Statement. However, should any fees be due, the Commissioner is authorized to charge Deposit Account No. 11-0600 for such fees. A copy of this communication is enclosed for charging purposes.

Dated: Sept 3, 2004

By:

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**SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT  
BY APPLICANT  
PTO-1449**

ATTY. DOCKET NO.  
1662/604078

SERIAL NO.  
10/635,337

APPLICANT  
NIDDAM-HILDESHEIM et al.

FILING DATE  
August 6, 2003

GROUP  
1614

**U. S. PATENT DOCUMENTS**

EXAMINER INITIAL	PATENT NUMBER	PATENT DATE	NAME	CLASS	SUBCLASS	FILING DATE
	5,880,283*	Mar. 9, 1999	Matsumoto et al.			
	6,413,969*	July 2, 2002	Raghavan et al.			

\*A copy of the U.S. patent is not enclosed, since the present application was filed after June 30, 2003.

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 03/086402	October 23, 2004	PCT			N/A	

**OTHER DOCUMENTS**

EXAMINER INITIAL	AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.
	John Halebian et al., "Pharmaceutical Applications of Polymorphism," Journal of Pharmaceutical Sciences, Vol. 58, No. 8, August 1969, pp. 911-929
	John K. Halebian, "Characterization of Habits and Crystalline Modification of Solids and Their Pharmaceutical Applications," Journal of Pharmaceutical Sciences, Vol. 64, No. 8, August 1975, pp. 1269-1288
	G. Michael Wall, "Pharmaceutical Applications of Drug Crystal Studies," Pharmaceutical Manufacturing, Vol. 3, No. 2, February 1986, pp. 33-42

EXAMINER	/Paul Ward/ (02/26/2008)	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /P.W./